

State of South Dakota

SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

400E0290

SENATE BILL NO. 34

Introduced by: The Committee on Commerce at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to allow weights and measures inspections to be preformed
2 biennially.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 37-21-18 be amended to read as follows:

5 37-21-18. Any person who, ~~by himself, or by his servant or agent or as the servant or agent~~
6 ~~of another person:~~

7 (1) ~~Shall offer or expose~~ Offers or exposes for sale, ~~sell, use~~ sells, uses in buying or
8 selling of any commodity or thing, or for hire or award, or ~~retain~~ retains in his
9 possession a false weight or measure or measuring or weighing device, or any weight
10 or measure or weighing or measuring device ~~which~~ that has not been sealed by the
11 Division of Commercial Inspection and Regulation within ~~one year~~ two years; ~~or~~

12 (2) ~~Shall dispose~~ Disposes of any condemned weight, measure, or weighing or measuring
13 device contrary to law; ~~or~~

14 (3) ~~Shall remove~~ Removes any tag placed thereon by the Division of Commercial
15 Inspection and Regulation; ~~or~~

- 1 (4) ~~Shall sell or offer or expose~~ Sells, offers, or exposes for sale less than the quantity ~~he~~
2 the person represents; ~~or~~
- 3 (5) ~~Shall take or attempt~~ Takes or attempts to take more than the quantity ~~he~~ the person
4 represents, when as the buyer, ~~he~~ the person furnished the weight, measure, or
5 weighing or measuring device by means of which the amount of the commodity is
6 determined; ~~or~~
- 7 (6) ~~Shall keep~~ Keeps for the purpose of sale, ~~offer or expose~~ offers or exposes for sale,
8 or ~~sell~~ sells any commodity in a manner contrary to law; ~~or~~
- 9 (7) ~~Shall violate~~ Violates any provision of chapters 37-20 to 37-22, inclusive, for which
10 a specific penalty has not been provided; or
- 11 (8) ~~Shall sell or offer~~ Sells, offers to sell ~~or use or have,~~ uses, or has in ~~his~~ possession for
12 the purpose of selling or using any device or instrument to be used, or calculated to
13 falsify any weight or measure;
- 14 is guilty of a Class 2 misdemeanor.